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John Bel Edwards  
GOVERNOR



Dr. Courtney N. Phillips  
SECRETARY

## State of Louisiana

Louisiana Department of Health  
Louisiana Commission for the Deaf

**July 14, 2021**

TO: Louisiana Ethics Administration Program

FROM: Louisiana Commission for the Deaf Board

Members: Ernest Garrett III, Chairperson; Jay Isch, Vice Chair; Dr. Ashley Argrave, Secretary; Kevin Monk, LRS; Mallory Brown, Dr. Lee Mendoza, LDH; Senator Sharon Hewitt; Representative Scott McKnight; Lisa Potter; Brad Wellons; Melissa Bayham, LWC; Candice LeBlanc, DCFS; Dr. Heather Laine, LSD; Iva Tullier; Jimmy Gore, LAD; Dawn Melendez, LRID.

To Whom It May Concern:

Pursuant to LA R.S. 42:1111(A) under the Ethical Standards for Public Servants, a public servant is prohibited from receiving or accepting "anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position." Over the years, the Ethics Board has given further consideration to the referenced matter. As a result, the Ethics Board has generally reformed the efficacy of some of its prior opinions and granted exceptions to various public servants concerning the receipt or acceptance of items of economic value, other than compensation and benefits from the governmental entity which he/she serves.

Section 1111(A), by effect, prohibits our d/Deaf or hard of hearing commissioners from receiving interpreting services, hearing aids, and telecommunications equipment from the LA Commission for the Deaf ("LCD" or "commission") that are guaranteed accommodations under the Americans with Disabilities Act (ADA). Specifically, the commission is the statewide coordinator or hub for providing telecommunications equipment and alert systems who are d/Deaf, DeafBlind, or hard of hearing (DDBHH) or have a speech disorder, improving the quality of daily communication and providing consumers with communications access over the phone by alerts received through vibration or visual alerts. Due to the prohibition, the LCD commissioners are ineligible to receive these accommodations that would grant full engagement in society. In addition, commissioners requiring interpreting and hearing aid accommodations limit their ability to receive services to ensure full communication access in their daily life.

That is, the proscription of a commissioner receiving services provided by the LCD works against the general goal of contributing to the overall health and vitality of these d/Deaf or hard of hearing individuals.

An important point to mention here is that the current LCD board membership includes Deaf and hard of hearing representatives and professionals, parents of D/deaf children, and representatives from related state organizations, pursuant to LA R.S. 46:2351. The commission is currently working to update the statutory legislation to include membership of individuals who are both Deaf and Blind (DeafBlind) on the board, as Louisiana has the highest population of individuals per capita for those with Usher's Syndrome, the leading cause of dual sensory loss. Addition of this membership seat will ensure the DeafBlind population has equal representation, equal to their D/deaf or hard of hearing counterparts. It is a relevant point as the LCD is the only provider of Support Service Provider (SSP) services in Louisiana. The LCD SSP program offers support and enhancement of the DeafBlind individual's quality of life through access to visual and auditory information during grocery shopping, medical appointments, and other day-to-day tasks. Due to the vital nature of the program, if a DeafBlind representative was to be barred from receiving SSP services, then no DeafBlind individual would be able to serve on the board as a commissioner. That is, the proscription would work to exclude representation on the board by DeafBlind individuals.

Thus, we are requesting a formal advisory opinion with the end goal being an exemption for all board commissioners from Section 1111(A). Our request is based solely on the facts herein. Please note, it is not the goal or the intent for these services to be solicited or accepted for a specific, explicit, direct, or implied purpose to supplement the per diem or other compensation of any particular public servant. If additional information is required, please contact Jana Broussard (Jana.Broussard@la.gov). Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Ernest E. Garrett III". The signature is written in a cursive, slightly stylized font.

Ernest E. Garrett, III  
Chairperson  
Louisiana Commission for the Deaf Board



**State of Louisiana**  
Louisiana Department of Health  
Office of Public Health

**FAX COVER SHEET**

Date: July 15, 2021  
Fax No: 225-382-7271  
To: LA Ethics Administration Program  
From: LA Commission for the Deaf  
Subject: Ethics Advisory Opinion / Exemption Request  
Pages: 3  
(including cover sheet)

Comment(s): Please email Jana Broussard (Jana.Broussard@la.gov) and Shane Bates (Shane.Bates3@la.gov) to confirm receipt, or if you have additional questions.

NOTE: If any of the FAX is illegible, or you do not receive the appropriate number of pages, as stated above, please contact **Nekia Keller** immediately at **225-342-7805**.

**PRIVACY AND CONFIDENTIALITY WARNING**

This FAX may contain Protected Health Information, Individually Identifiable Health Information and other information which is protected by law. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any review, disclosure/re-disclosure, copying, storing, distributing or the taking of action in reliance on the content of this FAX and any attachments thereto, is strictly prohibited. If you have received this FAX in error, please notify the sender immediately and destroy the contents of this FAX and its attachments by deleting any and all electronic copies and any and all hard copies regardless of where they are maintained or stored.



## Transmission Report

Fax Number 2253422256  
 Local Name  
 Fax Name Family Health

The job has been sent.  
 Original Size: 8.5 x 11"

John Bel Edwards  
 GOVERNOR



Dr. Courtney N. Phillips  
 SECRETARY

State of Louisiana  
 Louisiana Department of Health  
 Office of Public Health

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Comment(s): Please email Jana Brumgard (Jana.Brumsard@la.gov) and Shane Bator (Shane.Bator@la.gov) to confirm receipt, or if you have additional questions:

NOTE: If any of the FAX is illegible, or you do not receive the appropriate number of pages, as stated above, please contact Nekia Keller immediately at 225-342-7805.

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No.	Job	Remote Station	Start Date & Time	Duration	Pages	Protocol	Contents	Status
1	7865	2253817271	7-15; 11:41 AM	1:52	3/3	ECM		Completed

## Kathleen Allen

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**From:** Shane Bates (LDH)  
**Sent:** Thursday, October 14, 2021 3:05 PM  
**To:** Carolyn Landry  
**Cc:** Jana Broussard; Kathleen Allen  
**Subject:** RE: LCD Board Advisory Opinion Request Follow-up  
**Attachments:** LCD Ethics Request 7.15.21 Resubmission.pdf

Dear Ms. Landry –

I located the transmission report of the fax sent to your office on July 15, 2021. It was sent on date aforementioned at 11:41 am. The status shows completed.

In addition to sending the fax, I called your office the following day. I assume it was your front desk personnel - a woman, which I do not recall the name due to the time (months) that have passed – who answered the phone. She checked and confirmed that the fax had been received. I am not sure what happened.

As requested, attached is the transmission report along with the fax sheet and the request letter itself. Please forward to your legal staff for docketing. If they have any further questions, I will be happy to address them. For general information, please feel free to contact Ms. Broussard or myself.

**Thank you,**  
**Shane G. Bates, JD MPA**  
**Program Manager, Louisiana Commission for the Deaf**  
Office of Public Health | Bureau of Family Health  
Louisiana Department of Health  
628 N. Fourth Street, Ste. 566  
P.O. Box 3214, Baton Rouge, LA 70821  
[Shane.Bates3@la.gov](mailto:Shane.Bates3@la.gov) | Phone: (225) 342-7609  
<http://ldh.la.gov/lcd>

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**From:** Carolyn Landry <Carolyn.Landry@la.gov>  
**Sent:** Thursday, October 14, 2021 10:45 AM  
**To:** Shane Bates (LDH) <Shane.Bates3@la.gov>  
**Cc:** Jana Broussard <Jana.Broussard@la.gov>; Kathleen Allen <Kathleen.Allen@LA.GOV>  
**Subject:** RE: LCD Board Advisory Opinion Request Follow-up

Dear Shane Bates,

Unfortunately, I do not see that our office received a fax from you. I had the agency's IT Director check incoming faxes on the agency fax server. Please send me a scanned copy of the request for the advisory opinion that was sent to our office. Also, if you can, please send me the fax number from which it was sent, a copy of your fax confirmation for the fax sent on July 15<sup>th</sup>, and the name of the employee at our office with whom you spoke. Upon receipt of this information, I will forward to our legal department for docketing.

Sincerely,

Carolyn Landry

*Carolyn Abadie Landry*

Executive Secretary  
Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821  
Phone: 225-219-5600 or 1-800-842-6630  
Fax: 225-381-7271

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**From:** Shane Bates (LDH) <[Shane.Bates3@la.gov](mailto:Shane.Bates3@la.gov)>  
**Sent:** Thursday, October 7, 2021 10:47 AM  
**To:** Carolyn Landry <[Carolyn.Landry@la.gov](mailto:Carolyn.Landry@la.gov)>  
**Cc:** Jana Broussard <[Jana.Broussard@la.gov](mailto:Jana.Broussard@la.gov)>  
**Subject:** LCD Board Advisory Opinion Request Follow-up  
**Importance:** High

Good morning –

I hope this email finds you well. I am not sure who is the appropriate person on your staff that should receive this email; hence, I am sending to you with the express hope that you will forward along to the appropriate party on my behalf. Thank you in advance!

I am writing to follow-up on behalf of the Louisiana Commission for the Deaf (LCD) Board. The board members voted unanimously to request an exemption from the ethics requirement that a board member/commissioner cannot receive anything of economic value, which include any of our services provided as an auxiliary aid under the Americans With Disabilities Act except in fulfilling duties as a commissioner (e.g., public meetings). In effect, the rule prohibits our d/Deaf or hard of hearing commissioners from receiving necessary and appropriate public accommodations – here, the provision of appropriate auxiliary aids and services by the LCD for people who are d/Deaf or hard of hearing – to be utilized by the commissioners to fully participate in and complete daily life activities. See submitted letter requesting exception attached for more details.

A letter, from the LCD Board, requesting a formal advisory opinion, was faxed to your offices on July 15, 2021. I personally called your office to confirm receipt, and I was informed that the request had been received. Our offices/staff members have received no additional information or have not been further contacted about the matter. In addition, I viewed the upcoming October 2021 meeting agenda (<https://ethics.la.gov/publicweb/MeetingView.aspx?MeetingID=489>) – since the September meeting was cancelled due to Hurricane Ida – and did not see our request listed. At this time, we are respectfully requesting further details (an update) and to see if our request will be placed on the agenda for and heard during the October 2021 meeting.

Thank you very much for your consideration of this matter and your further assistance with it.

**Shane G. Bates, JD MPA**  
**Program Manager, Louisiana Commission for the Deaf**  
Office of Public Health | Bureau of Family Health  
Louisiana Department of Health  
628 N. Fourth Street, Ste. 566  
P.O. Box 3214, Baton Rouge, LA 70821  
[Shane.Bates3@la.gov](mailto:Shane.Bates3@la.gov) | Phone: (225) 342-7609  
<http://ldh.la.gov/lcd>